



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Alturdyne--Reconsideration

File: B-226185.3

Date: January 5, 1988

DIGEST

Firm is not an interested party to protest an award since it is a prospective subcontractor and would not be in line for award even if the protest were sustained.

DECISION

Alturdyne requests reconsideration of our dismissal of its protest of an award to Stewart and Stevenson Services, Inc. (SSSI), under request for proposals (RFP) No. F04606-86-R-0554 issued by the Air Logistics Center, McClellan Air Force Base, for the acquisition of A/E24U-15/16 power plants, incorporating two lightweight engine generating sets. We dismissed Alturdyne's protest because Alturdyne was not an interested party since it was not an offeror but was only a prospective subcontractor to Garrett Corp., an offeror under this RFP. 4 C.F.R. § 21.3(f) (1987).

Alturdyne states that it was a major subcontractor to Garrett and for a small company, such as Alturdyne, the subcontract would have a large economic impact and therefore it is an interested party. Alturdyne states further that the government conducted a preaward survey of its facility and its price proposal was audited by government representatives. Alturdyne concludes that this indicates that it was a prospective offeror with a direct economic interest in the outcome of the award.

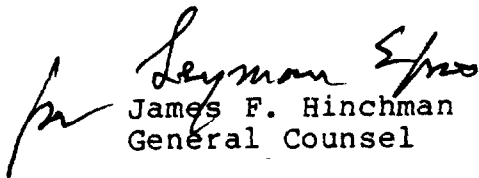
The Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3551 (Supp. III 1985), defines an interested party as an actual or prospective bidder or offeror whose direct economic interest is affected by the award of a contract or the failure to award a contract. Under CICA and our Bid Protest Regulations, 4 C.F.R. § 21.0(a), a party must be interested in order to have its protest considered by our Office. Determining whether a party is sufficiently interested involves consideration of a party's status in

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relation to a procurement. Where there are intermediate parties that have a greater interest than the protester, we generally consider the protester to be too remote to establish interest within the meaning of our Bid Protest Regulations. Brunswick Corp. & Brownell & Co., Inc., B-225784.2, B-255784.3, July 22, 1987, 87-2 C.P.D. ¶ 74. A party will not be deemed interested where it would not be in line for the protested award even if its protest were sustained. Id.

Here, even if we recommended that SSSI not receive an award, Garrett, not Alturdyne, would be in line to receive the award. Since there is a party of greater interest (Garrett) to protest the award to SSSI, we find Alturdyne too remote to establish interest. Even though a subcontract under this solicitation may have a large economic impact on Alturdyne, it does not alter the fact that Alturdyne is not in line for award.

We affirm our prior dismissal of Alturdyne's protest.


James F. Hinchman
General Counsel